

HOSHIYA *et al.*, SN 10/077,854  
Amdt. filed 01/24/2005  
Reply to OA mailed 10/22/2004

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### REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

### PENDING CLAIMS

Claims 1-5, 9-12, 15-22 and 26-41 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-5, 9-12, 16-22, 26 and 27 remain pending in the application for consideration and examination.

### ALLOWED CLAIMS

Claims 1-5, 9-12, 16-22, 26 and 27 are allowed in the application, as indicated at Item 3 on page 5 of the Office Action. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

### REJECTIONS UNDER 35 USC §103 - OBSOLETE VIA CLAIM CANCELLATION

The 35 USC §103 rejection of Claims 27-41 as being unpatentable over Dill *et al.* (US 6,023,395 A) in view of Sakaguci *et al.* (US 6,633,466 B1) is respectfully traversed, but the present cancellation of such claims (without prejudice or

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disclaimer of any scope or subject matter) to obtain a patent (without prejudice or disclaimer) on ones of the allowable claims as quickly as possible, has rendered such rejection obsolete, and thus gratuitous traversal arguments concerning the rejection are omitted for brevity. Further discussions/arguments concerning such rejection are left for the future if/when appropriate. Accordingly, reconsideration and withdrawal of such rejection are respectfully requested.

The above statements, or any present cancellation of claims (without prejudice or disclaimer or any scope or subject matter), is not and should not be taken as any indication or admission that the rejection was valid, or as a disclaimer of any scope or subject matter, but is merely use of a procedural approach to obtain a patent (without prejudice or disclaimer) on ones of the allowable claims as quickly as possible.

#### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all prior art rejected claims have now been canceled without prejudice or disclaimer of any scope or subject matter, and in view of the fact that all remaining claims have been already allowed, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present

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application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (Indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 22 October 2004 Office Action (22 January 2005 being a Saturday), and therefore, no Petition or extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Further, no additional claims fees are

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required for entry of this paper. Please charge any actual required fee to ATS&K  
Deposit Account No. 01-2135 (as Case No. 501.37459X00).

Respectfully submitted,



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